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Artoun Ramian

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EXAMINER

FERTIG, BRIAN E

ART UNIT

PAPER NUMBER

4124

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/764,987	<b>Applicant(s)</b> RAMIAN, ARTOUN	
	<b>Examiner</b> Brian Fertig	<b>Art Unit</b> 4124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 8/4/2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. The Specification and claims 1-12 are objected to because of the following informalities. Appropriate correction is required.

#### With respect to the Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). The Specification fails to recite any standard for defining the scope of the term 'typical' as recited in claim 1. The Specification also fails to teach any examples or provide any description of what is meant by "a predetermined criteria" as recited in claim 1.

#### With respect to claim 1

Claim 1 recites 'the signature block', and 'the written signature'. These recitations lack antecedent basis within the claims. For the purpose of examination below, they are interpreted to mean 'a signature block' and 'a written signature', respectively. Claim 1 also recites 'such the transaction' which appears to be incorrect grammar. For the purposes of examination below, this recitation is interpreted as 'such that the transaction.'

#### With respect to claim 4

Claim 4 recites 'id'. The meaning of this term is indefinite as there is no indication of whether this term is meant as an abbreviation or whether it has some other special meaning. For the purposes of examination below, it is assumed that this recitation is an abbreviation for 'identification.'

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Further, claim 4 contains the term 'ntification', which is assumed to be 'notification'.

With respect to claims 2, 3, and 5-12

These claims are objected to for incorporating the subject matter objected to above.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 1

This claim recites 'a typical payment card.' The term "typical" is a relative term which renders the claim indefinite. The term is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For the purposes of examination below, the term 'typical' is not given significant patentable weight for limiting the meaning of the term 'payment card'.

With respect to claims 2-12

These claims are rejected for incorporating the rejected subject matter described above.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,892,824 to Beatson (Beatson).

With respect to claim 1

Beatson teaches:

A method for validating a user's signature on a transaction at a point of sale with said user using a typical payment card (see col 1, lines 5-31), said method comprising the steps of:

signing the signature block of the payment card by the user (see col 1, lines 5-31);

recording the written signature of said user at the point of sale (see col 1, lines 5-31);

comparing the written signature of said user at the point of sale to the written signature of said user on the signature block of the payment card that was signed by said user at an earlier point in time (see col 1, lines 5-31);

notifying a sales associate at the point of sale whether the compared signatures of said user meets a

predetermined criteria such the transaction is permitted to be completed wherein said transaction is duly recorded (see col 1, lines 5-31. Note that it is implicit that the sales associate would be notified by his own judgment if the signature did not meet his preconceived standard of how close the two signatures had to be to match because this is the stated goal of the visual comparison method. Note further that Beatson teaches the automation of this step, but teaches that the automated process relies on an electronic signature instead of a written signature. Examiner notes that there is an equivalence between the claimed written signature and taught electronic signature in so far as the latter is merely an electronic representation of the written version, and that at some previous point, the written version was captured and transformed into the electronic version).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 2, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beatson in view of European Patent Application EP 1 067 492 A2 by Palmquist (Palmquist).

With respect to claim 2

Beatson teaches:

The method of claim 1 (see rejection of claim 1 above)

Beatson does not teach:

further comprising the step of:

communicating the transaction to a distant location  
via a predetermined contact telecommunication method  
specified by the user.

Palmquist teaches:

further comprising the step of:

communicating the transaction to a distant location  
via a predetermined contact telecommunication method  
specified by the user (see col 1, line 53 to col 3, line 36) in  
order to provide for early detection of consumer account  
fraud (see col 1, lines 53-58).

It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to have provided the method taught by Beatson with the method taught by Pamquist including communicating the transaction to a distant location via a predetermined contact telecommunication method specified by the user in order to provide for

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early detection of consumer account fraud as taught explicitly by

Palmquist (see col 1, lines 53-58).

With respect to claim 6

Beatson as modified by Palmquist teaches:

The method of claim 2 (see rejection of claim 2 above) wherein said predetermined contact telecommunication method is email (see Palmquist col 1, line 53 to col 3, line 36, particularly col 2, lines 14-15). (see rationale supporting obviousness and motivation to combine of claim 2)

With respect to claim 7

Beatson as modified by Palmquist teaches:

The method of claim 2 (see rejection of claim 2 above) wherein said predetermined contact telecommunication method is mobile telephone (i.e. pager, see Palmquist, col 2, line 15, note that for the purposes of messaging, a pager is equivalent to a mobile phone since it shares a mobile's phone's ability to provide a user to receive messages while on the go) (see rationale supporting obviousness and motivation to combine of claim 2).

8. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beatson and Palmquist as applied to claim 2 above, and further in view of US Patent 6,185,683 to Ginter (Ginter)



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With respect to claim 3

Beatson as modified by Palmquist teaches:

The method of claim 2 (see rejection of claim 2 above),

Beatson as modified by Palmquist does not teach:

further comprising the step of:

destroying any paper traces of the transaction once  
the transaction has been completed and recorded.

Ginter teaches:

further comprising the step of:

destroying any paper traces of the transaction once  
the transaction has been completed and recorded in order to  
destroy documents to ensure that only one original exists.  
(see col 30, lines 18-30).

It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to have provided the method of Beatson as modified by Palmquist with the step of destroying paper traces in order to ensure that only one original exists as taught explicitly by Ginter (see col 30, lines 18-30).

With respect to claim 4

Beatson as modified by Palmquist and Ginter teaches:

The method of claim 3 (see rejection of claim 3 above) further  
comprising the step of:

sending a signal to the sales associate to request  
additional id notification by the user if the signature  
comparison does not meet predetermined criteria (see  
Beatson col 4, line 66 to col 5 line 4).(see rationale for  
obviousness and motivation to combine of claim 3)

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over  
Beatson, Palmquist, and Ginter as applied to claim 3 above, and further in view  
of Official Notice.

With respect to claim 5

Beatson as modified by Palmquist and Ginter teaches:

                    The method of claim 3 (see rejection of claim 3 above) but do not  
explicitly teach further comprising the step of:

                                    sending a signal to the sales associate to confiscate  
the payment card if the payment card has been reported as  
being lost or stolen

Examiner takes Official Notice that it was well known in the art at the time  
of applicant's invention to provide the method of Beatson as modified by  
Palmquist and Ginter with the step of sending a signal to the sales  
associate to confiscate the payment card if the payment card has been  
reported as being lost or stolen in order to prevent credit card fraud by  
removing the reported card from circulation.

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10. Claim 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beatson and Palmquist as applied to claim 2 above, and further in view of US Patent Application Publication 2004/0117383 by Lee (Lee).

With respect to claim 9

Beatson as modified by Palmquist teaches:

The method of claim 2 (see rejection of claim 2 above) but does not teach:

wherein said predetermined contact telecommunication method can be changed at the point of sale.

Lee teaches:

wherein said predetermined contact telecommunication method can be changed at the point of sale (i.e. update customer records, see par 115, note that Lee teaches customer records include customer contact information, see par 9).

It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to have provided the method taught by Beatson as modified by Palmquist with the change of contact telecommunication capability taught by Lee in order to keep customer records current as taught implicitly by Goodman.

With respect to claim 8

Beatson as modified by Palmquist teaches:

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The method of claim 2 (see rejection of claim 2 above) but does not explicitly teach wherein said predetermined contact telecommunication method cannot be changed at the point of sale

Lee teaches:

wherein said predetermined contact telecommunication method cannot be changed at the point of sale (see par 9, note that omission of an element and its function is obvious if the function of the element is not desired see MPEP 2144.04, note that in the present case, the function for updating the customer records could be omitted if it was not desirable to keep customer records updated by changes made at the point of sale, i.e. to prevent excessive or confusing additional options to novice users at the time of check out) (see rationale for obviousness and motivation to combine of claim 9 above)

11. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beatson and Palmquist as applied to claim 2 above, and further in view of US Patent 5,963,925 to Kolling (Kolling).

With respect to claim 10

Beatson as modified by Palmquist teaches:

The method of claim 2 (see rejection of claim 2 above), but does not teach further comprising the step of:

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electronically providing the user with a copy of the  
transaction via said predetermined contact  
telecommunication method.

Kolling teaches:

further comprising the step of:

electronically providing the user with a copy of the  
transaction via said predetermined contact  
telecommunication method (see col 5, lines 42-50) in order  
to reduce mailing costs (see col4, lines 50-55)

It would have been obvious to one having ordinary skill in the art at the  
time of applicant's invention to have provided the method taught by  
Beatson as modified by Palmquist with the electronic delivery of  
transaction information in order to reduce mailing costs as taught explicitly  
by Kolling (see col 4, lines 50-55)

With respect to claim 12

Beatson as modified by Palmquist teaches:

The method of claim 2 (see rejection of claim 2 above)

Beatson as modified by Palmquist does not teach:

further comprising the step of:

transmitting transaction information to an electronic  
journal via said predetermined contact telecommunication  
method such that the user can determine if unauthorized

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transactions are being recorded on said user's payment card.

Kolling teaches:

further comprising the step of:

transmitting transaction information to an electronic journal via said predetermined contact telecommunication method such that the user can determine if unauthorized transactions are being recorded on said user's payment card (see col 5, lines 42-50) (see rationale supporting obviousness and motivation to combine of claim 10).

12. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beatson and Palmquist as applied to claim 2 above, and further in view of US Patent 6,076,731 to Terrell (Terrell).

With respect to claim 11

Beatson as modified by Palmquist teaches:

The method of claim of claim 2 (see rejection of claim 2 above)

Beatson as modified by Palmquist does not teach:

wherein the signature block of the payment is adapted to record a predetermined contact telecommunication method that overrides any previously submitted contact telecommunication method.

Terrell teaches:

wherein the signature block of the payment is adapted to record a predetermined contact telecommunication method that overrides

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any previously submitted contact telecommunication method (see col 3, 37-43. Note that because other indicia may be scanned by the signature scanner, the signature block is adapted to record a predetermined contact telecommunication method) in order to store and upload the scanned images to a computer (see col 7, lines 2-4).

It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to have provided the method taught by Beatson as modified by Palmquist with the signature block and associated hardware and software taught by Terrell in order to store and upload the scanned images to a computer as taught explicitly by Terrell (see col 7, lines 2-4).

### ***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Fertig whose telephone number is (571) 270-5131. The examiner can normally be reached on Monday - Friday 8:30am to 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Bomberg can be reached on (571) 272-4922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

-bf

/Kenneth Bomberg/  
Supervisory Patent Examiner, Art Unit 4124